

In the Supreme Court of the State of Alaska

Richard L. Green,
Appellant,

v.

**State of Alaska, Department of
Health & Social Services, Office of
Children's Services, as legal custodian
of Un-named Children 1-4 and Office
of Public Advocacy, as guardian ad
litem of Un-named Children 1-4,**
Appellees.

Supreme Court No. **S-18062**

Order

Date of Order: **August 13, 2021**

Trial Court Case Nos. **3PA-20-00568/569/570/571CI**

On July 14, 2021 this court ordered a limited remand for the superior court to appoint counsel, either the Office of Public Advocacy or a private attorney under Administrative Rule 12(e), to represent Appellant Richard Green in this appeal. This court has obtained a July 26, 2021 order appointing, under Administrative Rule 12(e), private attorney Adam Gulkis to represent Mr. Green; a copy of this court's July 14 order is attached to the appointment order.

On August 6 Mr. Green — self-represented in light of attorney Gulkis's delay in filing an entry of appearance for Mr. Green — filed, in this court, a motion for clarification of the status of his court-appointed counsel. Mr. Green stated, in essence, that he had been unable to understand attorney Gulkis's status or the representation agreement attorney Gulkis apparently was requiring Mr. Green to sign. The agreement was attached to Mr. Green's clarification motion; it included questioned provisions covering payment of attorney's fees and costs. Mr. Green stated his understanding that

the superior court's Administrative Rule 12(e) appointment of attorney Gulkis was for trial court work as well as for this appeal.

On August 10 attorney Gulkis filed an entry of appearance for Mr. Green in this appeal, noting his Administrative Rule 12(e) appointment to represent Mr. Green. Attorney Gulkis simultaneously filed a motion to withdraw as Mr. Green's counsel in this appeal, supported by an affidavit stating, in essence, that he and Mr. Green were not in agreement about the work the Administrative Rule 12(e) appointment covered, specifically whether it included trial court work in addition to work in this appeal. Attorney Gulkis stated his belief that Mr. Green was rejecting Gulkis's representation.

Mr. Green then opposed attorney Gulkis's motion to withdraw as his counsel in this appeal. Mr. Green asserted that the Public Defender Agency attorney representing Mr. Green in the trial court told him that attorney Gulkis's Administrative Rule 12(e) appointment was for both this appeal and ongoing trial court work in the underlying cases. Mr. Green attached supporting emails and copies of what appear to be superior court orders allowing the Public Defender Agency to withdraw as Mr. Green's counsel in the underlying cases.

Based on the foregoing, clarification of this court's July 14 order for appointment of counsel is **GRANTED**, as follows: the July 14 order remanding for the appointment of counsel to represent Mr. Green was and is limited to representation of Mr. Green in this appeal.

This court is not in a position to clarify whether the superior court's Administrative Rule 12(e) appointment of attorney Gulkis was intended to include representation in the underlying trial court cases as well as in this appeal. The superior

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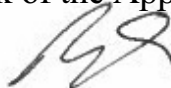
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court is **DIRECTED** to issue an order explaining whether its Administrative Rule 12(e) appointment of attorney Gulkis covers representation of Mr. Green in the underlying superior court cases (and if so, the extent of that representation and why the Office of Public Advocacy was not appointed to represent Mr. Green). The superior court is further **DIRECTED** to resolve any misunderstanding between Mr. Green and attorney Gulkis regarding an appropriate representation agreement and explain that resolution in its order.¹ The superior court is respectfully requested to issue its order within 30 days. Attorney Gulkis's motion to withdraw as Mr. Green's counsel in this appeal is **DENIED WITHOUT PREJUDICE** pending the superior court's order.

Entered at the direction of an individual justice.

Clerk of the Appellate Courts



Ryan Montgomery-Sythe,
Chief Deputy Clerk

cc: Judge Stohler
Trial Court Clerk - Palmer
Richard L. Green

¹ It is unclear why a representation agreement in connection with an administrative Rule 12(e) appointment of counsel would have monetary provisions in it, as opposed to provisions describing representation limits and the division of authority between counsel and client, when in that context the Alaska Court System pays a stated hourly rate and reimburses costs under Administrative Rule 12(e)(5).

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